

## CORRESPONDENCE—THE LATE LORD BEACONSFIELD.

Mr. Caldwell is also a lumber manufacturer owning timber limits in the neighborhood of those owned by Mr. McLaren.

He attempted to float his logs down Mr. McLaren's streams and through his improvements. To prevent his doing so, the suit in chancery above referred to was instituted, and a decree was made declaring Mr. McLaren exclusively entitled to the use of the streams and improvements and restraining Mr. Caldwell from floating his logs down the same.

That case has been appealed to the Court of Appeal. The effect of the Act now under consideration must necessarily be to reverse the decision of this suit.

Had this Act, instead of giving to any person desiring to make use of the streams the right to use the same upon payment of certain tolls absolutely expropriated the whole ownership of the streams for the public use, and provided a means of compensating the owners for the property so taken from them, it would be less objectionable in its features.

The effect of the Act as it now stands seems to be to take away the use of the property from one person and give it to another, forcing the owner practically to become a toll-keeper against his will, if he wishes to get any compensation for being thus deprived of his rights.

I think the power of the Local Legislature to take away the rights of one man and vest them in another, as is done by this Act, is exceedingly doubtful, but assuming that such right does in strictness exist, I think it devolves upon this Government to see that such powers are not exercised in flagrant violation of private rights and national justice, especially when, as in this case, in addition to interfering with the private rights in the way alluded to, the Act overrides a decision of a court of competent jurisdiction by declaring retrospectively that the law always was, and is different from that laid down by the court.

In reporting upon a reserved bill of the Prince Edward Island Legislature in 1876, the then acting Minister of Justice reported to Council, and his Excellency was advised to withhold his assent from the bill, one of the grounds being that the bill was retrospective in its effect; that it dealt with the rights of the parties then in litigation, and that there was no provision saving the rights of private parties.

On the whole I think the Act should be disallowed. I recommend, therefore, that the Act passed by the Legislature of Ontario at its last session, intituled: "An Act for Protecting the Public Interests in Rivers, Streams, and Creeks," be disallowed.

(Signed)

JAMES McDONALD,  
Minister of Justice,  
per J. A. M.

## THE LATE LORD BEACONSFIELD.

It is stated, on the authority of Mr. Ralph Disraeli, that the late Lord Beaconsfield, after serving for a certain time as articled clerk in the Old Jewry, entered as a student of Lincoln's Inn and kept several terms, although he was not called to the bar. 'J. C. B.' states that Lord Beaconsfield 'became nominally a pupil of his cousin, the late eminent conveyancer, Mr. Nathaniel Basevi, who told me, some years afterwards, that "Ben Disraeli" showed no liking for law, and generally occupied himself at chambers with a book, brought somewhat late in the day by himself. The work I remember as having been particularised was Spenser's "Faerie Queene," bound in green morocco.'" Mr. George H. Parkinson, of the Central Office, Royal Courts of Justice, has published the following extract from his diary of 1852, when he was clerk to Baron Parke:

'Saturday, June 12, 1852.—Mr. Disraeli, the new Chancellor of the Exchequer, came down about two, to be sworn in. He was quite alone; and Davis, the usher, showed him into the judges' private room, where I happened to be arranging some papers. I placed him a chair, and said I would go and tell the judges he had arrived. In a few minutes they came in—Lord Chief Baron Pollock, Barons Parke, Alderson, Rolfe, and Platt. All seemed to know him, and all talked and laughed together. His new black silk robe, heavily embroidered with gold bullion fringe and lace, was lying across a chair. "Here, get on your gown," said Baron Alderson; "you'll find it monstrously heavy." Oh, I find it uncommonly light," said the new Chancellor. "Well, it's heavy with what makes other things light," said the Lord Chief Baron. "Now, what am I to say and do in this performance?" was the next question. "Why, you'll first be sworn in by Vincent, and then you'll sit down again; and if you look to the extreme left of the first row of counsel you will see a rather tall man looking at you. That is Mr. Willes out of Court, but Mr. Tubman in Court; and you must say, "Mr. Tubman, have you anything to move?" He will make his motion and when he sits down you must say, "Take a rule, Mr. Tubman," and that will be the end of the affair."

'The ushers were summoned, and all marched to the Bench—Baron Platt as junior baron first, Mr. Disraeli last, immediately preceded by the Lord Chief Baron, Mr. Vincent, the Queen's Remembrancer, administered the ancient oath in Norman-French, I think. Mr. Tubman (afterwards Mr. Justice Willes) made some fictitious motion, was duly desired to "take a rule," and the Chancellor and barons returned to the private room. "Well, I must say you fellows have easy work to do, if this is a specimen," said Mr. Disraeli. "Now don't you think that, or you'll be cutting down our salaries," replied one of the judges. "Take care of that robe," said Baron Alderson; "you can leave it to your son when the Queen makes him a Chancellor." "Oh, no; you've settled that business," said the new Chancellor; "you'd decide that was fettering the Royal prerogative." There was a general roar at this witty allusion to a very important case just decided in the House of Lords, in which the Peers had held that a large monetary bequest by the late Earl of Bridgewater to his son, on condition that he should obtain the title of Duke within a certain time, was void, on the ground that it was a fettering of the Royal prerogative.'